

**MISSOURI STATE AUDITOR'S OFFICE
FISCAL NOTE (22-079)**

Subject

Initiative petition from Michael Phoenix regarding a proposed constitutional amendment to Article XV. (Received November 23, 2021)

Date

December 13, 2021

Description

This proposal would amend Article XV of the Missouri Constitution.

The amendment is to be voted on in November 2022.

Public comments and other input

The State Auditor's office requested input from the **Attorney General's office**, the **Department of Agriculture**, the **Department of Economic Development**, the **Department of Elementary and Secondary Education**, the **Department of Higher Education and Workforce Development**, the **Department of Health and Senior Services**, the **Department of Commerce and Insurance**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Corrections**, the **Department of Labor and Industrial Relations**, the **Department of Revenue**, the **Department of Public Safety**, the **Department of Social Services**, the **Governor's office**, the **Missouri House of Representatives**, the **Department of Conservation**, the **Department of Transportation**, the **Office of Administration**, the **Office of State Courts Administrator**, the **Missouri Senate**, the **Secretary of State's office**, the **Office of the State Public Defender**, the **State Treasurer's office**, **Adair County**, **Boone County**, **Callaway County**, **Cass County**, **Clay County**, **Cole County**, **Greene County**, **Jackson County**, **Jasper County**, **St. Charles County**, **St. Louis County**, **Taney County**, the **City of Cape Girardeau**, the **City of Columbia**, the **City of Jefferson**, the **City of Joplin**, the **City of Kansas City**, the **City of Kirksville**, the **City of Mexico**, the **City of Raymore**, the **City of St. Joseph**, the **City of St. Louis**, the **City of Springfield**, the **City of Union**, the **City of Wentzville**, the **City of West Plains**, **Cape Girardeau 63 School District**, **Hannibal 60 School District**, **Malta Bend R-V School District**, **Mehlville School District**, **Wellsville-Middletown R-1 School District**, **State Technical College of Missouri**, **Metropolitan Community College**, **University of Missouri**, **St. Louis Community College**, **University of Central Missouri**, **Harris-Stowe State University**, **Lincoln University**, **Missouri State University**, **Missouri Southern State University**, **Missouri Western State University**, **Northwest Missouri State University**, **Southeast Missouri State University**, **Truman State University**, and the **Missouri Office of Prosecution Services**.

Assumptions

Officials from the **Attorney General's office** indicated they expect that, to the extent that the enactment of this proposal could result in increased costs to their office, they expect that they could absorb the increased costs associated with the proposal using existing resources. However, if the enactment of this proposal were to result in a substantial increase in cost, they may be required to request additional appropriations.

Officials from the **Department of Agriculture** indicated this initiative petition has no fiscal impact on their department.

Officials from the **Department of Economic Development** indicated no impact to their department.

Officials from the **Department of Elementary and Secondary Education** indicated no impact to their department.

Officials from the **Department of Higher Education and Workforce Development** indicated no impact to their department.

Officials from the **Department of Health and Senior Services** indicated:

The total estimated net effect on all state funds is negative \$645,512 in fiscal year 2023, negative \$717,926 in fiscal year 2024, and negative \$725,306 in fiscal year 2025.

The proposed initiative petition would create broad restrictions and requirements directly impacting public health laws and services.

Section 2 of the proposal would establish the right and sovereign autonomous obligation of an individual to self-determine the need for medical interventions regardless of that individual's condition or the presence of a contagion.

Section 3 would entirely prohibit a mandate or enforcement of any type of medical intervention for any reason.

Section 4 would place requirements on how data is used to inform the public health response to contagions, and require the information used to make public health decisions to be made available for audit and be made publicly available.

Section 7 would nullify any federal legislation, regulation, order, or injunctive decree that would be found to infringe the liberties, freedoms, rights, obligations, or privileges established within the proposal.

Section 8 would place financial liability on public entities for violating the rights established within the proposal.

Section 9 would require any entity that has any type of interaction with a public official regarding the requirement, mandate, or enforcement of any medical intervention, policy, or legislative measure, create a full transcript of that interaction (to be submitted to the State Department of Health and be made public).

Section 10 requires reports be created analyzing the credibility of benefits to the people of the state for any publicly funded medical initiative.

Altogether, the proposal would place a significant compliance burden on their department. Sections 2 and 3 would limit their department's ability to intervene when Shiga toxin-producing E. coli, food borne diseases, pertussis, hepatitis A, Typhoid fever, measles, shigellosis, mumps, norovirus, tuberculosis, or other diseases spread in a community. As such, their department would need to restructure and significantly alter how it approaches limiting the spread of these diseases to protect health.

Departmental compliance with Section 4 would require additional resources to ensure all policies meet the standards established by the proposal, that the threshold of data quality exceeds a reasonable speculation of doubt, that all data be made publicly available, and to prepare the data to be audited.

Compliance with Section 7 would require departmental analysis of what current and future federal laws would be nullified under the proposal, determining what powers and services can no longer be utilized due to such nullification, and coordinating with the federal government to communicate what federal laws and requirements will no longer be complied with in Missouri.

Section 8 as well as Section 3, Subsection 2, would create a need for departmental staff who would be capable of ensuring departmental compliance with the proposal to prevent potential actions in court against the department.

Section 9 would directly require their department to receive and make public any transcripts submitted to their department. This section would also require their department to create such transcripts whenever it interacts with a public official.

To meet the requirements of the proposal, their department assumes the need for a new compliance unit to protect the medical liberty of Missourians. The compliance unit would exist within their department director's office to ensure compliance throughout the department. The unit would be led by **one** Regulatory Compliance Manager (\$85,053). This position's responsibility would be to lead compliance efforts, communicate with state and federal partners about changes to their department's ability to respond to public health incidents and comply with federal law, and supervise other compliance unit staff.

Five Program Specialists (\$54,677) would be needed to liaise with the departmental divisions and programs to ensure compliance at the program level and to directly coordinate with departmental staff. These positions would be directly responsible for working with staff to make changes to program operations to comply with the proposal's

new requirements and to ensure ongoing compliance. These positions would also be responsible for managing their department's receipt of transcripts under Section 9 and making those transcripts public, as well as working with department leadership to ensure that their department creates transcripts when it has pertinent interactions with public officials.

One Research/Data Analyst (\$46,651) would be needed to assist with compliance with Section 4 of the proposal. Responsibilities would include working with existing departmental data analysts and epidemiologists to ensure data use meets the standards as set in the proposal, that data is made publicly available when required, and that the data be prepared for audit as required. This position would also be responsible for coordinating with department staff to create reports to comply with Section 10 of the proposal.

The proposed initiative petition gives the autonomous obligation to the individual to self-determine the need for all medical interventions and shall remain so without the element of force, fraud, deceit, duress, overreaching, or other forms of constraint or coercion. There shall be no mandate by the state, counties or municipalities to enforce medical intervention for any contagions with an existing risk of spread to an individual or group of people at large.

The Division of Regulation and Licensure (DRL), Sections for Long Term Care Regulation and Health Standard and Licensure are responsible to regulate and conduct inspections in federally certified long-term care facilities, hospitals and other healthcare facilities. DRL is required to enforce federal regulations in these healthcare facilities through a formal, written agreement with the Centers for Medicare and Medicaid Services (CMS). CMS recently published an Interim Final Rule requiring all staff in certified health care settings receive the COVID vaccine. This initiative petition will restrict the ability of healthcare facilities to require staff to be vaccinated, which may result in them being terminated from the Medicare and Medicaid programs. DRL staff will no longer received Medicare or Medicaid funding to regulate or conduct inspections in these facilities.

This creates an unknown up to \$15 million fiscal impact for the Division of Regulation and Licensure (DRL).

The proposed language could also have an unknown negative impact on federal funds. Their department is not able to estimate the dollar amount of federal funding that could be lost. In fiscal year 2022, their department has approximate \$1,900,769,263 in federal funding.

The proposal will require seven new FTE in a large city equaling \$28,980 (\$18 x 230 x 7) in capital improvements or rental space costs.

They also provided the following information:

FISCAL ESTIMATE WORKSHEET

FISCAL NOTE: 22-079IP

BILL NO: 0

General Revenue

FUND COSTS BY CATEGORY

Expenditure by Category	FTEs	Annual Salary	FY 2023	FY 2024	FY 2025
Personnel by Position					
Regulatory Compliance Manager	1	\$85,053	\$70,878	\$85,904	\$86,763
Senior Program Specialists	5	\$54,677	\$227,821	\$276,119	\$278,880
Research/Data Analyst	1	\$46,651	\$38,876	\$47,118	\$47,589
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
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		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
Total FTE by Fiscal Year	7		7	7	7
Total Salaries			\$337,574	\$409,140	\$413,231
Fringe Benefits			\$196,034	\$236,713	\$238,200

FISCAL ESTIMATE WORKSHEET					22-079IP	
					0	
					General Revenue	
FUND COSTS BY CATEGORY						
Expenditure by Category	BOBC	Units	Unit Cost	FY 2023	FY 2024	FY 2025
Equipment by Item						
Desk Chair	580	7	\$601	\$4,207		
Side Chair	580	7	\$382	\$2,674		
Desk	580	3	\$601	\$1,803		
File Cabinet	580	7	\$599	\$4,193		
Calculator	190	7	\$20	\$140		
Cubicle	580	4	\$6,800	\$27,200		
Telephone	340	7	\$300	\$2,100		
Laptop	480	7	\$1,386	\$9,702		
Monitor	480	7	\$184	\$1,288		
TOTAL EQUIPMENT				\$53,307	\$0	\$0
Expenses	BOBC	Units	Unit Cost			
Travel	140	7	\$5,103	\$29,768	\$36,614	\$37,529
Fleet	560	7	\$81	\$473	\$581	\$596
Supplies	190	7	\$372	\$2,170	\$2,669	\$2,736
Telecommunications	340	7	\$313	\$1,826	\$2,246	\$2,302
Maintenance and Repair	430	7	\$36	\$210	\$258	\$265
RENT:						
St. Louis/Metro (\$21)	680		\$4,830	\$0	\$0	\$0
Large City (\$18)	680	7	\$4,140	\$24,150	\$29,705	\$30,447
Out State (\$14)	680		\$3,220	\$0	\$0	\$0
			\$0	\$0	\$0	\$0
TOTAL EXPENSE				\$58,597	\$72,073	\$73,875
TOTAL EQUIPMENT AND EXPENSE				\$111,904	\$72,073	\$73,875
Local Assistance				\$0	\$0	\$0
Other Costs ()				\$0	\$0	\$0

FISCAL ESTIMATE WORKSHEET			22-079IP
			0
			General Revenue
SUMMARY OF FUND COSTS			
I. Fund Costs by Category	FY 2023	FY 2024	FY 2025
Salaries	\$337,574	\$409,140	\$413,231
Fringe Benefits	\$196,034	\$236,713	\$238,200
Equipment and Expense	\$111,904	\$72,073	\$73,875
Local Assistance	\$0	\$0	\$0
Other Fund Costs	\$0	\$0	\$0
TOTAL FUND COSTS - ALL CATEGORIES	\$645,512	\$717,926	\$725,306
II. Fund Revenue Sources			
Taxes	\$0	\$0	\$0
Fines	\$0	\$0	\$0
Administrative Sanctions	\$0	\$0	\$0
Other Sources ()	\$0	\$0	\$0
TOTAL FUND REVENUE - ALL SOURCES	\$0	\$0	\$0
III. Cost Avoidance (Savings)			
Salaries	\$0	\$0	\$0
Fringe Benefits	\$0	\$0	\$0
Equipment and Expense	\$0	\$0	\$0
Other Sources ()	\$0	\$0	\$0
TOTAL FUND SAVINGS	\$0	\$0	\$0
ESTIMATED NET EFFECT ON FUND	(\$645,512)	(\$717,926)	(\$725,306)

Officials from the **Department of Commerce and Insurance** indicated this petition, if passed, will have no cost or savings to their department.

Officials from the **Department of Mental Health** indicated they assume an overall unknown fiscal impact due to the various changes that would apply should this pass. They have the following concerns regarding the language contained in this initiative petition.

Section 3 provisions would expressly curtail their ability to comply with generally accepted standards for the prevention and control of all infectious disease. This could increase risk to their staff and those in their care, as well as jeopardize their hospital licensing and CMS funding.

Section 7 could also affect their care subject to federal funds and cost their department federal match dollars. They operate (fiscal year 2022 budget) with federal funds received from various federal agencies totaling approximately \$1.5 billion. Failure to comply could jeopardize considerable funding with the potential impact being between \$0 and up to \$1.5 billion and may consume additional department resources in assisting defense.

Section 11 could impose substantial unknown litigation costs on their department.

Officials from the **Department of Natural Resources** indicated they would not anticipate a direct fiscal impact from this proposal.

Officials from the **Department of Corrections** indicated unknown fiscal impact.

This petition creates individual rights related to medical interventions, treatments or other therapies or procedures. It will have a significant operational impact and potentially significant fiscal impact on their department; however, the exact impact is unknown due to the wide scope of the proposed legislation. The language is very broad and contemplates issues in abstract and sweeping ways that could have unforeseen implications at this time, especially considering the operational nature of this department.

Section 3 prohibits the state from mandating, compelling, or otherwise enforcing any type of medical intervention or therapy on an individual for any reason. This will have an impact on institutional operations. They require offenders and staff to undergo tuberculosis testing annually. Should a positive test result occur, they require additional medical testing to ensure they do not have an active TB infection (which would be contagious). They have to know that the TB is latent. In addition, offenders are mandated to complete HIV testing. These tests are conducted to help reduce the spread of these diseases within the facility and to keep staff, contractors, and other offenders safe. In addition, there are instances where their department must medically treat an offender, against their will, in order to reduce risk of harm to the offender or others. It appears this section would prohibit their ability to force these medical interventions.

This legislation is unclear as to whether it is allowing offenders to self-determine only the treatments they undergo, or also the provider of these treatments. Since healthcare is

mandated, their department is paying a contracted vendor to manage their offender's healthcare needs. If the offenders are allowed to choose their specific provider, this would cost the state exponentially more money. Not only will the department be paying the contracted healthcare provider, but they will also be incurring additional charges for the services that were completed outside of the contracted vendor. There will also be additional costs relating to the transportation and security of the offenders being transported to the outside medical providers.

Another issue is the lack of restriction of medical treatments to "necessary." This would essentially allow the offenders to self-determine their need for "any" medical treatment, whether medically necessary or simply desired. This could also include the use of medical marijuana as a treatment method. Currently medical marijuana is prohibited for offenders, but the right to "personal autonomy" with medical issues would prevent their department from restricting medical marijuana as a treatment option for offenders.

Section 3 also states public entities cannot require, to any degree, an individual to make known any degree of medical history of the individual. They mandate staff to notify the department when they are taking medications that may impair their mental health or physical ability to perform the essential functions of their job. In addition, they are mandated to provide documentation requested by their medical review officer during the employee drug testing process. When staff are impaired, it impacts the safety of the facility, staff, and other offenders.

Officials from the **Department of Labor and Industrial Relations** indicated no fiscal impact to their department. This could impact an employer's ability to direct health care under the workers' compensation system, which could increase costs for employers.

Officials from the **Department of Revenue** indicated this initiative petition, specifically Section 3, potentially conflicts with the following Missouri Statutes:

- 302.026
- 302.130
- 302.171
- 302.173
- 302.174
- 302.175
- 302.182
- 302.205
- 302.275
- 302.276
- 302.291
- 302.292
- 302.420
- 302.425
- 302.440

- 302.505
- 302.510
- 302.540
- 302.580
- 302.745
- 302.750
- 302.768

Their department would be unable to implement the provisions of this initiative petition without being in noncompliance with state statute, and for commercial driver's license (CDL) issuance, federal regulation.

Implementing this initiative petition, specifically in regards to CDL issuance, could result in a federal noncompliance finding, which would result in a significant loss of federal transportation funding.

Officials from the **Department of Public Safety - Office of the Director** indicated this proposed amendment may have a significant legal impact on their department and its divisions. As written, it is difficult to assess its potential impact, as it contains numerous terms of art that are defined in this proposal that are not in common usage elsewhere in state law. A few potential effects include that it may hinder the state's ability to provide assistance to individuals who require healthcare in emergency situations; prohibit pre-employment medical screening of law enforcement employees; prohibit collecting necessary medical history information from Veterans in Missouri Veterans Homes; and could expose the personal health information of Missourians to the public through the audit procedures detailed in the proposal. This bill may require the state to incur significant legal costs in defense of actions that are alleged to be in violation of this amendment. This is a significant concern as the provision nullifying federal medical mandates will almost certainly face a constitutional challenge. There may be other potential effects on the state in addition to those identified here.

Officials from the **Department of Social Services** indicated this will have an unknown impact for their department.

Section 2 limits the ability of their department to limit medical costs or to ensure medical appropriateness of medical interventions or treatments in the MO HealthNet population. This section leaves all determinations for medical interventions or treatments with the individual, including but not limited to vaccines, medications, or even abortion. With no ability to impose prior approval protocols, MO HealthNet would have an unknown cost.

Section 3 proposes no public entity shall mandate any type of medical intervention or therapy on an individual, or group of individuals for any reason or require, to any degree, an individual to make known any degree of medical history of the individual.

The Family Support Division (FSD) has policies and procedures in place regarding obtaining medical records as needed when determining eligibility for all public assistance

programs FSD administers. In addition, FSD has policies and procedures related to the Blind Pension (BP) program that requires BP recipients to pursue treatment or operation when recommended by a medical authority. These policies align with requirements to receive federal funding, and would run counter to Section 3.

The eligibility of the Permanently and Totally Disabled population to participate in Medicaid is determined in part using medical records. Inability to use those records inhibits their department's ability to determine eligibility for the Permanently and Totally Disabled population. The total expenditures for the population in fiscal year 21 were \$4.4 billion.

The provisions of Section 3 also would impact the Children's Division, limiting the ability to conduct family assessments and follow federal guidelines for screening foster parents.

Section 5, by defining an "individual" would make children under the age of 18 provide informed consent prior to treatment, rather than consent being provided by an appointed party, such as the Children's Division, the Juvenile Officer, or a parent/guardian.

Section 7 nullifies federal law, and may impact payment for joint state/federal programs such as Mo HealthNet or child/welfare and public assistance programs.

Section 9 creates a need for staff. Transcripts would need to be provided for medical initiatives. The Division of Legal Services would need one special counsel and one Administrative Support Professional. The Children's Division would need one Administrative Support Professional and one Senior Program Specialist.

Section 10 requires a report of medical initiatives to be created and submitted. MO HealthNet would need two Special Assistant Professionals to review the reports, and find transactions for repayment.

They also provided the following information:

FISCAL ESTIMATE WORKSHEET

FISCAL NOTE: SAO 22-079

BILL: Initiative Petition

FUND: GR

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FUND COSTS BY CATEGORY

Fund Split

1

<u>Expenditure by Category</u> Personnel by Position	FTEs	Annual Salary	FY 2023	FY 2024	FY 2025
DLS staff		\$0	\$0	\$0	\$0
Special Counsel	1	\$57,889	\$48,241	\$58,468	\$59,053
Administrative Support Profession	1	\$44,437	\$37,031	\$44,881	\$45,330
		\$0	\$0	\$0	\$0
MHD staff		\$0	\$0	\$0	\$0
Special Assistant Professional	2	\$76,373	\$127,289	\$154,274	\$155,816
		\$0	\$0	\$0	\$0
CD staff		\$0	\$0	\$0	\$0
Administrative Support Profession	1	\$44,437	\$37,031	\$44,881	\$45,330
Senior Program Specialist	1	\$47,488	\$39,573	\$47,963	\$48,443
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0
Total FTE by Fiscal Year	6		6	6	6
Total Salaries			\$289,165	\$350,467	\$353,972
Fringe Benefits			\$170,913	\$206,259	\$207,433

FISCAL ESTIMATE WORKSHEET

FISCAL NOTE: SAO 22-079

BILL: Initiative Petition

FUND: GR

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FUND COSTS BY CATEGORY

Expenditure by Category	BOBC	Units	Unit Cost	FY 2023	FY 2024	FY 2025
One-time Costs (Choose Cube or Office)						
OFFICE						
Desk	580	1	\$601	\$601		
Chair	580	1	\$719	\$719		
Side Chair	580	1	\$382	\$382		
File Cabinet	580	1	\$599	\$599		
Calculator	190	1	\$20	\$20		
Telecommunication setup	340	1	\$300	\$300		
VDI	420	1	\$606	\$606		
CUBE						
MVE Systems Furniture	580	5	\$7,921	\$39,605		
Telecommunication setup	340	5	\$300	\$1,500		
VDI	420	5	\$606	\$3,032		
			\$0	\$0		
OTHER ONE TIME			\$0	\$0		
			\$0	\$0		
			\$0	\$0		
TOTAL ONE TIME COST				\$47,364	\$0	\$0
Ongoing Expenses	BOBC	Units	Unit Cost			
Office Supplies	190	6	\$372	\$1,860	\$2,288	\$2,345
Telephone	340	6	\$300	\$1,500	\$1,845	\$1,891
Utilities	180	6	\$460	\$2,300	\$2,829	\$2,900
Janitorial	420	6	\$403	\$2,013	\$2,475	\$2,537
Rent	680	6	\$4,830	\$24,150	\$29,705	\$30,447
Travel (normally only	140	6	\$3,000	\$15,000	\$18,450	\$18,911
Membership/Prof Develop	320	6	\$565	\$2,825	\$3,475	\$3,562
Postage	190	6	\$600	\$3,000	\$3,690	\$3,782
Ongoing VDI cost	420	6	\$3,392	\$16,958	\$20,858	\$21,379
Contract	400		\$0	\$0	\$0	\$0
Program Distributions	800		\$0	\$0	\$0	\$0
Other ongoing costs			\$0	\$0	\$0	\$0
			\$0	\$0	\$0	\$0
TOTAL EXPENSE				\$69,606	\$85,615	\$87,754
TOTAL EQUIPMENT AND EXPENSE				\$116,970	\$85,615	\$87,754
Local Assistance				\$0	\$0	\$0
Other Costs ()				\$0	\$0	\$0

FISCAL ESTIMATE WORKSHEET

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SUMMARY OF FUND COSTS

	FY 2023	FY 2024	FY 2025
I. Fund Costs by Category			
Salaries	\$289,165	\$350,467	\$353,972
Fringe Benefits	\$170,913	\$206,259	\$207,433
Equipment and Expense	\$116,970	\$85,615	\$87,754
Local Assistance	\$0	\$0	\$0
Other Fund Costs - lost federal funding PTD populatio	\$3,000,000,000	\$3,000,000,000	\$3,000,000,000
TOTAL FUND COSTS - ALL CATEGORIES	\$3,000,577,048	\$3,000,642,341	\$3,000,649,159
II. Fund Revenue Sources			
Taxes	\$0	\$0	\$0
Fines	\$0	\$0	\$0
Administrative Sanctions	\$0	\$0	\$0
Other Sources ()	\$0	\$0	\$0
TOTAL FUND REVENUE - ALL SOURCES	\$0	\$0	\$0
III. Cost Avoidance (Savings)			
Salaries	\$0	\$0	\$0
Fringe Benefits	\$0	\$0	\$0
Equipment and Expense	\$0	\$0	\$0
Other Sources ()	\$0		
TOTAL FUND SAVINGS	\$0	\$0	\$0
ESTIMATED NET EFFECT ON FUND	(\$3,000,577,048)	(\$3,000,642,341)	(\$3,000,649,159)

Officials from the **Governor's office** indicated this proposal relating to medical liberty should not fiscally impact their office.

Officials from the **Missouri House of Representatives** indicated no fiscal impact.

Officials from the **Department of Conservation** indicated while it is difficult to tell because of the convoluted nature of this initiative petition, there is no anticipated fiscal impact (cost or savings) to their department associated with this proposal.

Officials from the **Department of Transportation** indicated this initiative petition will not have a fiscal impact on their department/Missouri Highways and Transportation Commission.

Officials from the **Office of Administration** indicated this proposal relating to medical liberty should not fiscally impact their office.

Officials from the **Office of State Courts Administrator** indicated there is no fiscal impact on the courts.

Officials from the **Missouri Senate** indicated they anticipate no fiscal impact.

Officials from the **Secretary of State's office** indicated each year, a number of joint resolutions that would refer to a vote of the people a constitutional amendment and bills that would refer to a vote of the people the statutory issue in the legislation may be considered by the General Assembly.

Unless a special election is called for the purpose, Referendums are submitted to the people at the next general election. Article III section 52(b) of the Missouri Constitution authorizes the general assembly to order a special election for measures referred to the people. If a special election is called to submit a Referendum to a vote of the people, Section 115.063.2 RSMo. requires the state to pay the costs. The cost of the special election has been estimated to be \$7 million based on the cost of the 2020 Presidential Preference Primary.

Their office is required to pay for publishing in local newspapers the full text of each statewide ballot measure as directed by Article XII, Section 2(b) of the Missouri Constitution and Section 116.230-116.290, RSMo. Funding for this item is adjusted each year depending upon the election cycle. A new decision item is requested in odd numbered fiscal years and the amount requested is dependent upon the estimated number of ballot measures that will be approved by the General Assembly and the initiative petitions certified for the ballot. In fiscal year (FY) 2014, the General Assembly changed the appropriation so that it was no longer an estimated appropriation.

In FY19, over \$5.8 million was spent to publish the full text of the measures for the August and November elections. Their office estimates \$75,000 per page for the costs of publications based on the actual cost incurred for the one referendum that was on the August 2018 ballot.

Their office will continue to assume, for the purposes of this fiscal note, that it should have the full appropriation authority it needs to meet the publishing requirements. Because these requirements are mandatory, they reserve the right to request funding to meet the cost of their publishing requirements if the Governor and the General Assembly again change the amount or continue to not designate it as an estimated appropriation.

Officials from the **Office of the State Public Defender** indicated this initiative petition will have no fiscal impact on their office.

Officials from the **State Treasurer's office** indicated no fiscal impact to their office.

Officials from **Clay County** indicated they anticipate no costs or savings from this initiative.

Officials from **Greene County** indicated there are unknown estimated costs related to the requirement of attaining independent organizations to audit the work of the county within section 4 to report from the County of Greene for this initiative petition proposing to amend Article XV.

Without any past information related to this type of audit that might be used to ascertain what the cost might be for the required audit, there is not an accurate estimate to submit at this time.

Officials from the **City of Kansas City** indicated this proposal if passed would have a negative fiscal impact on the city in an indeterminate amount. It would not allow a hospital, without patient consent, to tell a first responder that such responder has been exposed to certain infectious diseases. Which would drive up workers compensation insurance costs. The proposal's audit provisions could increase the city's administrative costs. The initiative petition could increase litigation against their city. The provisions regarding the nullification of federal law could have a negative fiscal impact by making the city, if it obeyed such provisions, ineligible for federal grant money.

Officials from **Metropolitan Community College** indicated no known fiscal impact.

Officials from **University of Central Missouri** indicated the estimated annual impact is about \$440,000. This includes lost revenue of \$390,000 and additional cost associated with electronic records of \$50,000. The electronic recording cost relates to upgrading and hiring/training for the university's electronic medical record system. It relates to Section 10 Integrity and Transparency in Publicly Funded Medical Initiatives. The lost annual revenue relates to any type of immunization required screening, testing, or shots. Loss of revenue related to the insurance paid-out fees associated with the reduced amount of required immunization shots, screenings, and testings from the international and domestic students enrolled.

The State Auditor's office did not receive a response from **Adair County, Boone County, Callaway County, Cass County, Cole County, Jackson County, Jasper County, St.**

Charles County, St. Louis County, Taney County, the City of Cape Girardeau, the City of Columbia, the City of Jefferson, the City of Joplin, the City of Kirksville, the City of Mexico, the City of Raymore, the City of St. Joseph, the City of St. Louis, the City of Springfield, the City of Union, the City of Wentzville, the City of West Plains, Cape Girardeau 63 School District, Hannibal 60 School District, Malta Bend R-V School District, Mehlville School District, Wellsville-Middletown R-1 School District, State Technical College of Missouri, University of Missouri, St. Louis Community College, Harris-Stowe State University, Lincoln University, Missouri State University, Missouri Southern State University, Missouri Western State University, Northwest Missouri State University, Southeast Missouri State University, Truman State University, and the Missouri Office of Prosecution Services.

Fiscal Note Summary

State governmental entities estimate one-time costs totaling \$100,000, ongoing costs that could be significant totaling at least \$1.4 million annually, and reduced revenues totaling at least \$3 billion annually. Local governmental entities estimate ongoing costs of an unknown amount and ongoing reduced revenues of an unknown amount.